

October 23, 2013

*via electronic filing*

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation**  
**CG Docket No. 05-231 and MB Docket No. 12-108**

Dear Ms. Dortch,

On October 21, 2013, Blake Reid and Stephen Walter of the Samuelson-Glushko Technology Law & Policy Clinic at Colorado Law (TLPC), counsel to Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), spoke with Sarah Whitesell, Legal Advisor to Chairwoman Clyburn, and Brendan Murray of the Media Bureau about the above-referenced matters.

Mr. Walter and I reiterated the call of TDI and numerous other deaf and hard of hearing consumer groups for the Commission to adopt quality standards for closed captioning, as proposed nearly a decade ago in a 2004 petition for rulemaking by TDI and other consumer groups and supported by the extensive record in CG Docket No. 05-231.<sup>1</sup> We noted that members of the consumer groups have increasingly reported captioning quality problems over the past decade and often express frustration at being unable to seek meaningful relief from video programming distributors (“VPDs”), video programming owners (“VPOs”), or the Commission. The consumer groups believe that the provision of high-quality captions is critical to reach the goal of video programming accessibility embedded in the Telecommunications Act of 1996 and the Twenty-First Century Communications and Video Accessibility Act (“CVAA”), and that quality standards remain necessary to remedy the pervasive quality problems with captions. We urged the Commission to take immediate action to implement the TDI petition and take the steps necessary to ensure that VPDs and VPOs ensure the same level of quality for captions that they do for the video and audio portions of their programming.

We also urged the Commission to take care in implementing the one of the CVAA’s core promises to the deaf and hard of hearing community: that user interfaces for digital apparatuses and navigation devices will include simple, easy to use controls that permit a user to turn closed captions on and off at the touch of a button, key, or icon and to easily configure closed caption display options without navigating through layers of complex

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<sup>1</sup> RM-11065 (July 23, 2004), available at <http://apps.fcc.gov/ecfs/comment/view?id=551144013>

and inscrutable menus. We also underscored the critical need for viewers who are deaf and hard of hearing to be able to access these controls without having to first request them from apparatus and navigation device manufacturers—a burdensome, unfair, and unnecessary step that would inhibit the ability of viewers to access programming at hotels, hospitals restaurants, gyms, and the homes of family members and friends, in stark contravention of congressional intent.

Please let me know if you have any questions regarding this filing.

Respectfully submitted,

/s/

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